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10 **UNITED STATES DISTRICT COURT**  
11 **EASTERN DISTRICT OF CALIFORNIA**  
12 **SACRAMENTO DIVISION**

13 SHELBY MARIE GERST, ) Case No.: 2:24-cv-00216-KJN  
14 Plaintiff, )  
15 vs. ) **STIPULATION TO VOLUNTARY  
16 MARTIN O'MALLEY, ) REMAND PURSUANT TO SENTENCE  
Commissioner of Social Security, ) FOUR OF 42 U.S.C. § 405(g) AND TO  
17 ) ENTRY OF JUDGMENT; ORDER  
18 )  
19 Defendant. )**

20 IT IS STIPULATED by and between Plaintiff (“Plaintiff”) and Defendant Martin  
21 O’Malley, Commissioner of Social Security (“Defendant”), through their undersigned counsel  
22 of record, that the above-entitled action shall be remanded to the Commissioner of Social  
23 Security for further administrative proceedings.

24 Upon remand, the Appeals Council will remand the case to an Administrative Law  
25 Judge (ALJ) for a new decision and instruct the ALJ to re-evaluate the evidence of record and  
26 offer Plaintiff an opportunity for a new hearing. If appropriate under HALLEX I-2-1-55(D)(2),  
27 this matter will be assigned to a different ALJ on remand. The parties further request that the  
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1 Court direct the Clerk of the Court to enter a final judgment in favor of Plaintiff, and against  
2 Defendant, reversing the final decision of the Commissioner.

3 This stipulation constitutes a remand under the fourth sentence of Section 205(g) of the  
4 Social Security Act, 42 U.S.C. 405(g).

5 Dated: March 15, 2024

Respectfully submitted,

6 /s/ Francesco P. Benavides\*  
7 (\*as authorized via e-mail on Mar. 15, 2024)  
8 FRANCESCO P. BENAVIDES  
Attorney for Plaintiff

9 PHILLIP A. TALBERT  
10 United States Attorney  
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12 Associate General Counsel  
Social Security Administration

13 By: /s/ Christopher Vieira  
14 CHRISTOPHER VIEIRA  
15 Special Assistant United States Attorney  
Attorneys for Defendant

16 **ORDER**

17 Based upon the parties' Stipulation to Voluntary Remand Pursuant to Sentence Four of  
18 42 U.S.C. § 405(g) and to Entry of Judgment ("Stipulation to Remand"), and for cause shown,  
19 **IT IS ORDERED** that the above-captioned action is remanded to the Commissioner of Social  
20 Security for further proceedings pursuant to the fourth sentence of Section 205(g) of the Social  
21 Security Act, 42 U.S.C. 405(g).

22 Dated: March 18, 2024

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24 CAROLYN K. DELANEY  
25 UNITED STATES MAGISTRATE JUDGE

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